

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In the Patent Application of

Richard E. VOGEL and
Timothy J. FOLTZ.

Group Art Unit: 3727

Serial No.: 09/681,099

Examiner: Merek, Joseph C.

Filed: January 4, 2001

For: CONFECTION CUP ASSEMBLY

SUPPLEMENTAL APPEAL BRIEF

Commissioner of Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Supplemental Appeal Brief under 37 C.F.R. §1.193(b)(2) appealing the decision of the Examiner dated July 3, 2002. Each of the topics required by Rule 192 is presented herewith and is labeled appropriately.

I. INCORPORATION BY REFERENCE

Appellants incorporate herein by reference each and all of Sections I-IX from the Appeal Brief filed on April 2, 2003, in their entirety pursuant to MPEP §1208.02. All previously raised issues and arguments are still considered to be relevant. The appeal is maintained as to all of the rejected claims.

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II. New Grounds of Rejection

The Examiner has entered no new grounds of rejection, so Appellants cannot address them.

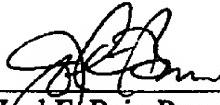
CONCLUSION

In view of the foregoing, it is submitted that the continuing rejection of claims 1-17, 19-30, 32, 34-38, 42, 43, 45, 46, 52, and 81 is improper and should not be sustained. Therefore, Appellants request a determination that the rejected claims are allowed or allowable.

Respectfully submitted,

RICHARD E. VOGEL AND TIMOTHY J. FOLTZ

Dated: 16 July 2003

By: 

Joel E. Bair, Reg. No. 33,356
Mark A. Davis, Reg. No. 37,118
MCGARRY BAIR PC
171 Monroe Avenue, NW, Suite 600
Grand Rapids, Michigan 49503
616-742-3500

G0098931